

Substitute for form 1449A/PTO			<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			Application Number	09/822,573
			Filing Date	March 30, 2001
			First Named Inventor	Borland, Scott
			Art Unit	3752
			Examiner Name	Christopher S. Kim
Sheet <b>1</b>	of <b>14</b>	Attorney Docket Number	016770-002810US	

U.S. PATENT DOCUMENTS*					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	A1	US-550,315	11-26-1895	Allen	
	A2	US-809,159	01-02-1906	Willis et al.	
	A3	US-1,680,616	08-14-1928	Horst	
	A4	US-2,022,520	11-26-1935	Philbrick	
	A5	US-2,101,304	12-07-1937	Wright	
	A6	US-2,158,615	05-16-1939	Wright	
	A7	US-2,187,528	01-16-1940	Wing	
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	A10	US-2,283,333	05-19-1942	Martin	
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	A13	US-2,375,770	05-15-1945	Dahlberg	
	A14	US-2,383,098	08-21-1945	Wheaton	
	A15	US-2,404,063	07-16-1946	Healy	
	A16	US-2,430,023	11-04-1947	Longmaid	
	A17	US-2,474,996	07-05-1949	Wallis	
	A18	US-2,512,004	06-20-1950	Wing	
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	A25	US-2,779,623	01-29-1957	Eisenkraft	
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	A35	US-3,680,954	08-01-1972	Frank	
	A36	US-3,719,328	03-06-1973	Hindman	
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			Art Unit	3752	
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U.S. PATENT DOCUMENTS <sup>+</sup>					
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	A58	US-D246,574	12-06-1977	Meierhoefer	
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	A83	US-4,301,093	11-17-1981	Eck	
	A84	US-4,319,155	03-09-1982	Makai et al.	
	A85	US-4,334,531	06-15-1982	Reichl et al.	
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	A88	US-4,368,476	01-11-1983	Uehara et al.	
	A89	US-4,368,850	01-18-1983	Szekely	
	A90	US-4,374,707	02-22-1983	Pollack	
	A91	US-4,389,071	06-21-1983	Johnson, Jr. et al.	
	A92	US-4,408,719	10-11-1983	Last	
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	A111	US-4,605,167	08-12-1986	Maehara	
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	A149	US-4,964,521	10-23-1990	Wieland et al.	
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	A162	US-5,022,587	06-11-1991	Hochstein	
	A163	US-5,024,733	06-18-1991	Abys et al.	
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			Filing Date	March 30, 2001	
			First Named Inventor	Borland, Scott	
			Art Unit	3752	
Examiner Name	Christopher S. Kim				
Sheet <b>7</b>	of	<b>14</b>	Attorney Docket Number	016770-002810US	

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Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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			Filing Date	March 30, 2001	
			First Named Inventor	Borland, Scott	
			Art Unit	3752	
			Examiner Name	Christopher S. Kim	
Sheet	8	of	14	Attorney Docket Number	016770-002810US

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	A294	US-5,758,637	06-12-1998	Ivri et al.	
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			Filing Date	March 30, 2001	
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	B20	GB	2 073 616	A	10-21-1981			<input type="checkbox"/>

Examiner Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

60514285 v1

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	09/822,573	
			Filing Date	March 30, 2001	
			First Named Inventor	Borland, Scott	
			Art Unit	3752	
			Examiner Name	Christopher S. Kim	
Sheet	12	of	14	Attorney Docket Number	016770-002810US

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
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Examiner Signature		Date Considered	
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60514285 v1

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	09/822,573	
			Filing Date	March 30, 2001	
			First Named Inventor	Borland, Scott	
			Art Unit	3752	
			Examiner Name	Christopher S. Kim	
Sheet	13	of	14	Attorney Docket Number	016770-002810US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C1	Abys, J.A. et al., "Annealing Behavior of Palladium-Nickel Alloy Electrodeposits," Plating and Surface Finishing, August 1996, pp. 1-7.	
	C2	Allen, T. <u>Particle Size Measurement</u> , Third Edition, Chapman and Hall pp. 167-169 (1981).	
	C3	Ashgriz, N. et al. "Development of a Controlled Spray Generator" Rev. Sci. Instrum., 1987, pp. 1291-1296, Vol. 58, No. 7.	
	C4	Berglund, R.N., et al. "Generation of Monodisperse Aerosol Standards" Environ. Sci. Technology, Feb. 1973, pp.147-153, Vol. 7, No. 2.	
	C5	Cipolla, D.C. et al., "Assessment of Aerosol Delivery Systems for Recombinant Human Deoxyribonuclease," S.T.P. Pharma Sciences 4 (1) 50-62, 1994.	
	C6	Cipolla, D.C. et al., "Characterization of Aerosols of Human Recombinant Deoxyribonuclease I (rhDNase) Generated by Neulizers," Pharmaceutical Research II (4) 491-498, 1994.	
	C7	Gaiser Tool Company catalog, pp. 26, 29-30 (1990).	
	C8	Gonda, I. "Therapeutic Aerosols," Pharmaceutics, The Science of Dosage Form Design, Editor: M.E. Aulton, 341-358, 1988.	
	C9	Heyder, J. et al., "Deposition of particles in the human respiratory tract in the size range 0.005-15 microns." J Aerosol Sci 17: 811-825, 1986.	
	C10	Hickey, Anthony J. "Pharmaceutical Inhalation Aerosol Technology," Drugs And The Pharmaceutical Science, 1992, pp. 172-173, vol. 54.	
	C11	Hikayama, H., et al. "Ultrasonic Atomizer with Pump Function" Tech. Rpt. IEICE Japan US88-74:25 (1988).	
	C12	MAEHARA, N. et al. "Atomizing rate control of a multi-pinhole-plate ultrasonic atomizer" J. Acoustical Soc. Japan, 1988, pp. 116-121, 44:2.	
	C13	MAEHARA, N. et al. "Influence of the vibrating system of a multipinhole-plate ultrasonic nebulizer on its performance" Review of Scientific Instruments, Nov. 1986, p. 2870-2876, Vol. 57, No. 1.	
	C14	MAEHARA, N. et al. "Influences of liquid's physical properties on the characteristics of a multi-pinhole-plate ultrasonic atomizer" J. Acoustical Soc. Japan 1988, pp. 425-431, 44:6.	
	C15	MAEHARA, N. et al. "Optimum Design Procedure for Multi-Pinhole-Plate Ultrasonic Atomizer" Japanese Journal of Applied Physics, 1987, pp. 215-217, Vol. 26, Supplement 26-1.	
	C16	Nogi, T. et al. "Mixture Formation of Fuel Injection System in Gasoline Engine" Nippon Kikai Gakkai Zenkoku Taikai Koenkai Koen Ronbunshu 69:660-662 (1991).	

Examiner Signature		Date Considered	
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<sup>1</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>2</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	09/822,573
				Filing Date	March 30, 2001
				First Named Inventor	Borland, Scott
				Art Unit	3752
				Examiner Name	Christopher S. Kim
Sheet	14	of	14	Attorney Docket Number	016770-002810US

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
	C17	Palla Tech Pd an Pd Alloy Processes--Procedure for the Analysis of Additive IVS in Palla Tech Plating Solutions by HPLC, Technical Bulletin, Electroplating Chemicals & Services, 029-A, Lucent Technologies., pp. 1-5, 1996.		
	C18	SIEMENS, "Servo Ultra Nebulizer 345 Operating Manual," pp. 1-23;		
	C19	TSI Incorporated product catalog. Vibrating Orifice Aerosol Generator (1989).		
	C20	Ueha, S., et al. "Mechanism of Ultrasonic Atomization Using a Multi-Pinhole Plate" J. Acoust. Soc. Jpn., 1985, pp. 21-26, (E)6,1.		
	C21	WEHL, WOLFGANG R. "Ink-Jet Printing: The Present State of the Art" for Siemens AG, 1989.		
	C22			

Examiner Signature		Date Considered	
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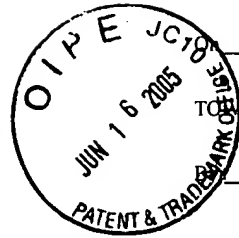
<sup>1</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>2</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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PATENT  
Attorney Docket No.: 016770-002810US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



June 14, 2005  
TOWNSEND and TOWNSEND and CREW LLP

Nicole M. Wartell  
Nicole M. Wartell

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Scott Borland

Application No.: 09/822,573

Filed: March 30, 2001

For: APERTURE PLATE AND  
METHODS FOR ITS CONSTRUCTION  
AND USE

Examiner: Christopher S. Kim

Art Unit: 3752

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. This application is a divisional of and relies upon U.S. Patent Application No. 09/392,180 ("the parent application") for an earlier effective filing date under 35 U.S.C. §120. In accordance with 37 CFR §1.98(d), copies of those references that have been previously submitted to or cited by the Office in the parent application are not enclosed. In accordance with 37 CFR §1.98(a)(2), copies of the references [excluding cited U.S. Patents, U.S.

06/16/2005 MBLANCO 00000021 201430 09822573  
01 FC:1806 180.00 DA

Patent Application publications, and appropriate IFW-stored, pending U.S. Patent Applications and portions thereof, per 1287 OG 163], which have not been previously cited, are enclosed.

Those references are: B7, B8, B10-12, B14-16, B30, B36, B39, B41, B42, B44, B45, C9, C11, C12, C14, C16, and C18.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

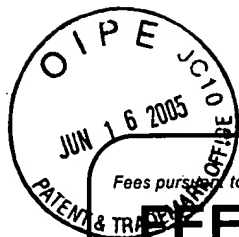
This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

  
Darin J. Gibby  
Reg. No. 38,464

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 303-571-4321  
DJG:nmb



PTO/SB/17 (12-04)

3752  
1/5Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 180)**Complete if Known**

Application Number	09/822,573
Filing Date	March 30, 2001
First Named Inventor	Borland, Scott
Examiner Name	Christopher S. Kim
Art Unit	3752
Attorney Docket No.	016770-002810US

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
	-20 or HP =	x	=			

HP = highest number of total claims paid for, if greater than 20

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
	-3 or HP =	x	=

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
	- 100 =	/ 50 =	(round up to a whole number) x	=

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

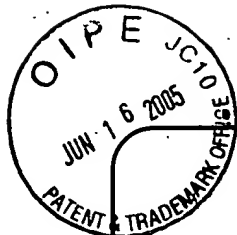
Other: Submission of Information Disclosure Stmt

**Fees Paid (\$)**

180

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 38,464	Telephone 303-571-4000
Name (Print/Type)	Darin J. Gibby		Date June 14 2005



PTO/SB/21 (09-04)

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/822,573
Filing Date	March 30, 2001
First Named Inventor	Borland, Scott
Art Unit	3752
Examiner Name	Christopher S. Kim
Attorney Docket Number	016770-002810US

**ENCLOSURES** (Check all that apply)

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Postcard,<br>Copies of fifteen (15) cited foreign references,<br>Copies of six (6) cited non-patent literature references |
|--|---|---|

Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Darin J. Gibby		
Date	6/14/05	Reg. No.	38,464

**CERTIFICATE OF TRANSMISSION/MAILING**

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Typed or printed name

Nicole M. Wartell

Date

June 14, 2005